

107TH CONGRESS
1ST SESSION

H. R. 1098

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2001

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

MAY —, 2001

Reported by Mr. McCAIN, without amendment

AN ACT

To improve the recording and discharging of maritime liens
and expand the American Merchant Marine Memorial
Wall of Honor, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Maritime Policy Im-
3 provement Act of 2001”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Vessel COASTAL VENTURE.
- Sec. 4. Expansion of American Merchant Marine Memorial Wall of Honor.
- Sec. 5. Discharge of agricultural cargo residue.
- Sec. 6. Recording and discharging maritime liens.
- Sec. 7. Tonnage of R/V DAVIDSON.
- Sec. 8. Miscellaneous certificates of documentation.
- Sec. 9. Exemption for Victory Ships.
- Sec. 10. Certificate of documentation for 3 barges.
- Sec. 11. Certificate of documentation for the EAGLE.
- Sec. 12. Waiver for vessels in New World Challenge Race.
- Sec. 13. Vessel ASPHALT COMMANDER.

6 **SEC. 3. VESSEL COASTAL VENTURE.**

7 Section 1120(g) of the Coast Guard Authorization
8 Act of 1996 (Public Law 104–324; 110 Stat. 3978) is
9 amended by inserting “COASTAL VENTURE (United
10 States official number 971086),” after “vessels”.

11 **SEC. 4. EXPANSION OF AMERICAN MERCHANT MARINE ME-**
12 **MORIAL WALL OF HONOR.**

13 (a) FINDINGS.—The Congress finds that—

14 (1) the United States Merchant Marine has
15 served the people of the United States in all wars
16 since 1775;

17 (2) the United States Merchant Marine served
18 as the Nation’s first navy and defeated the British
19 Navy to help gain the Nation’s independence;

1 (3) the United States Merchant Marine kept
2 the lifeline of freedom open to the allies of the
3 United States during the Second World War, mak-
4 ing one of the most significant contributions made
5 by any nation to the victory of the allies in that war;

6 (4) President Franklin D. Roosevelt and many
7 military leaders praised the role of the United States
8 Merchant Marine as the “Fourth Arm of Defense”
9 during the Second World War;

10 (5) more than 250,000 men and women served
11 in the United States Merchant Marine during the
12 Second World War;

13 (6) during the Second World War, members of
14 the United States Merchant Marine faced dangers
15 from the elements and from submarines, mines,
16 armed raiders, destroyers, aircraft, and “kamikaze”
17 pilots;

18 (7) during the Second World War, at least
19 6,830 members of the United States Merchant Ma-
20 rine were killed at sea;

21 (8) during the Second World War, 11,000
22 members of the United States Merchant Marine
23 were wounded, at least 1,100 of whom later died
24 from their wounds;

1 (9) during the Second World War, 604 mem-
2 bers of the United States Merchant Marine were
3 taken prisoner;

4 (10) 1 in 32 members of the United States
5 Merchant Marine serving in the Second World War
6 died in the line of duty, suffering a higher percent-
7 age of war-related deaths than any of the other
8 armed services of the United States; and

9 (11) the United States Merchant Marine con-
10 tinues to serve the United States, promoting free-
11 dom and meeting the high ideals of its former mem-
12 bers.

13 (b) GRANTS TO CONSTRUCT ADDITION TO AMER-
14 ICAN MERCHANT MARINE MEMORIAL WALL OF
15 HONOR.—

16 (1) IN GENERAL.—The Secretary of Transpor-
17 tation may make grants to the American Merchant
18 Marine Veterans Memorial Committee, Inc., to con-
19 struct an addition to the American Merchant Marine
20 Memorial Wall of Honor located at the Los Angeles
21 Maritime Museum in San Pedro, California.

22 (2) FEDERAL SHARE.—The Federal share of
23 the cost of activities carried out with a grant made
24 under this section shall be 50 percent.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this section \$500,000 for fiscal year 2002.

4 **SEC. 5. DISCHARGE OF AGRICULTURAL CARGO RESIDUE.**

5 Notwithstanding any other provision of law, the dis-
6 charge from a vessel of any agricultural cargo residue ma-
7 terial in the form of hold washings shall be governed exclu-
8 sively by the provisions of the Act to Prevent Pollution
9 from Ships (33 U.S.C. 1901 et seq.) that implement
10 Annex V to the International Convention for the Preven-
11 tion of Pollution from Ships.

12 **SEC. 6. RECORDING AND DISCHARGING MARITIME LIENS.**

13 (a) LIENS ON ANY DOCUMENTED VESSEL.—

14 (1) IN GENERAL.—Section 31343 of title 46,
15 United States Code, is amended as follows:

16 (A) By amending the section heading to
17 read as follows:

18 **“§ 31343. Recording and discharging liens”.**

19 (B) In subsection (a) by striking “covered
20 by a preferred mortgage filed or recorded under
21 this chapter” and inserting “documented, or for
22 which an application for documentation has
23 been filed, under chapter 121”.

24 (C) By amending subsection (b) to read as
25 follows:

1 “(b)(1) The Secretary shall record a notice complying
2 with subsection (a) of this section if, when the notice is
3 presented to the Secretary for recording, the person hav-
4 ing the claim files with the notice a declaration stating
5 the following:

6 “(A) The information in the notice is true and
7 correct to the best of the knowledge, information,
8 and belief of the individual who signed it.

9 “(B) A copy of the notice, as presented for rec-
10 ordation, has been sent to each of the following:

11 “(i) The owner of the vessel.

12 “(ii) Each person that recorded under sec-
13 tion 31343(a) of this title an unexpired notice
14 of a claim of an undischarged lien on the vessel.

15 “(iii) The mortgagee of each mortgage
16 filed or recorded under section 31321 of this
17 title that is an undischarged mortgage on the
18 vessel.

19 “(2) A declaration under this subsection filed by a
20 person that is not an individual must be signed by the
21 president, member, partner, trustee, or other official au-
22 thorized to execute the declaration on behalf of the per-
23 son.”.

24 (D) By amending subsection (c) to read as
25 follows:

1 “(c)(1) On full and final discharge of the indebted-
2 ness that is the basis for a notice of claim of lien recorded
3 under subsection (b) of this section, the person having the
4 claim shall provide the Secretary with an acknowledged
5 certificate of discharge of the indebtedness. The Secretary
6 shall record the certificate.

7 “(2) The district courts of the United States shall
8 have jurisdiction over a civil action to declare that a vessel
9 is not subject to a lien claimed under subsection (b) of
10 this section, or that the vessel is not subject to the notice
11 of claim of lien, or both, regardless of the amount in con-
12 troversy or the citizenship of the parties. Venue in such
13 an action shall be in the district where the vessel is found,
14 or where the claimant resides, or where the notice of claim
15 of lien is recorded. The court may award costs and attor-
16 neys fees to the prevailing party, unless the court finds
17 that the position of the other party was substantially justi-
18 fied or other circumstances make an award of costs and
19 attorneys fees unjust.”.

20 (E) By adding at the end the following:

21 “(e) A notice of claim of lien recorded under sub-
22 section (b) of this section shall expire 3 years after the
23 date specified in the notice under subsection (b) of this
24 section.

1 “(f) This section does not alter in any respect the
2 law pertaining to the establishment of a maritime lien, the
3 remedy provided by such a lien, or the defenses thereto,
4 including any defense under the doctrine of laches.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 313 of title 46,
7 United States Code, is amended by striking the item
8 relating to section 31343 and inserting the fol-
9 lowing:

“31343. Recording and discharging liens.”.

10 (b) NOTICE REQUIREMENTS.—Section 31325 of title
11 46, United States Code, is amended as follows:

12 (1) In subsection (d)(1)(B) by striking “a no-
13 tice of a claim” and inserting “an unexpired notice
14 of a claim”.

15 (2) In subsection (f)(1) by striking “a notice of
16 a claim” and inserting “an unexpired notice of a
17 claim”.

18 (c) APPROVAL OF SURRENDER OF DOCUMENTA-
19 TION.—Section 12111 of title 46, United States Code, is
20 amended by adding at the end the following:

21 “(d)(1) The Secretary shall not refuse to approve the
22 surrender of the certificate of documentation for a vessel
23 solely on the basis that a notice of a claim of a lien on
24 the vessel has been recorded under section 31343(a) of
25 this title.

1 “(2) The Secretary may condition approval of the
2 surrender of the certificate of documentation for a vessel
3 over 1,000 gross tons.”.

4 (d) TECHNICAL CORRECTION.—Section 9(c) of the
5 Shipping Act, 1916 (46 U.S.C. App. 808(c)) is amended
6 in the matter preceding paragraph (1) by striking “Ex-
7 cept” and all that follows “12106(e) of title 46,” and in-
8 serting “Except as provided in section 611 of the Mer-
9 chant Marine Act, 1936 (46 App. U.S.C. 1181) and in
10 sections 12106(e) and 31322(a)(1)(D) of title 46,”.

11 (e) EFFECTIVE DATE.—This section shall take effect
12 July 1, 2002.

13 **SEC. 7. TONNAGE OF R/V DAVIDSON.**

14 (a) IN GENERAL.—The Secretary of Transportation
15 shall prescribe a tonnage measurement as a small pas-
16 senger vessel as defined in section 2101 of title 46, United
17 States Code, for the vessel R/V DAVIDSON (United
18 States official number D1066485) for purposes of apply-
19 ing the optional regulatory measurement under section
20 14305 of that title.

21 (b) APPLICATION.—Subsection (a) shall apply only
22 when the vessel is operating in compliance with the re-
23 quirements of section 3301(8) of title 46, United States
24 Code.

1 **SEC. 8. MISCELLANEOUS CERTIFICATES OF DOCUMENTA-**
2 **TION.**

3 Notwithstanding section 27 of the Merchant Marine
4 Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of
5 June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App.
6 289), and sections 12106 and 12108 of title 46, United
7 States Code, the Secretary of Transportation may issue
8 a certificate of documentation with appropriate endorse-
9 ment for employment in the coastwise trade for the fol-
10 lowing vessels:

11 (1) LOOKING GLASS (United States official
12 number 925735).

13 (2) YANKEE (United States official number
14 1076210).

15 (3) LUCKY DOG of St. Petersburg, Florida
16 (State of Florida registration number
17 FLZP7569E373).

18 (4) ENTERPRIZE (United States official
19 number 1077571).

20 (5) M/V SANDPIPER (United States official
21 number 1079439).

22 (6) FRITHA (United States official number
23 1085943).

24 (7) PUFFIN (United States official number
25 697029).

1 (8) VICTORY OF BURNHAM (United States
2 official number 663780).

3 (9) R'ADVENTURE II (United States official
4 number 905373).

5 (10) ANTJA (State of Florida registration
6 number FL3475MA).

7 (11) SKIMMER, manufactured by Contour
8 Yachts, Inc. (hull identification number
9 QHG34031D001).

10 (12) TOKEENA (State of South Carolina reg-
11 istration number SC 1602 BJ).

12 (13) DOUBLE EAGLE2 (United States offi-
13 cial number 1042549).

14 (14) ENCOUNTER (United States official
15 number 998174).

16 (15) AJ (United States official number
17 599164).

18 (16) BARGE 10 (United States official number
19 1101368).

20 (17) NOT A SHOT (United States official
21 number 911064).

22 (18) PRIDE OF MANY (Canadian official
23 number 811529).

24 (19) AMAZING GRACE (United States official
25 number 92769).

1 (20) SHEWHO (United States official number
2 1104094).

3 **SEC. 9. EXEMPTION FOR VICTORY SHIPS.**

4 Section 3302(l)(1) of title 46, United States Code,
5 is amended by adding at the end the following:

6 “(D) The steamship SS Red Oak Victory
7 (United States official number 249410), owned by
8 the Richmond Museum Association, located in Rich-
9 mond, California.

10 “(E) The SS American Victory (United States
11 official number 248005), owned by Victory Ship,
12 Inc., of Tampa, Florida.”.

13 **SEC. 10. CERTIFICATE OF DOCUMENTATION FOR 3 BARGES.**

14 (a) DOCUMENTATION CERTIFICATE.—Notwith-
15 standing section 12106 of title 46, United States Code,
16 and section 27 of the Merchant Marine Act, 1920 (46
17 App. U.S.C. 883), and subject to subsection (c) of this
18 section, the Secretary of Transportation may issue a cer-
19 tificate of documentation with an appropriate endorsement
20 for employment in the coastwise trade for each of the ves-
21 sels listed in subsection (b).

22 (b) VESSELS DESCRIBED.—The vessels referred to in
23 subsection (a) are the following:

24 (1) The former Navy deck barge JIM, having
25 a length of 110 feet and a width of 34 feet.

1 (2) The former railroad car barge HUGH, hav-
2 ing a length of 185 feet and a width of 34 feet.

3 (3) The former railroad car barge TOMMY,
4 having a length of 185 feet and a width of 34 feet.

5 (c) LIMITATION ON OPERATION.—A vessel issued a
6 certificate of documentation under this section may be
7 used only as a floating platform for launching fireworks,
8 including transportation of materials associated with that
9 use.

10 **SEC. 11. CERTIFICATE OF DOCUMENTATION FOR THE**
11 **EAGLE.**

12 Notwithstanding section 27 of the Merchant Marine
13 Act, 1920 (46 U.S.C. App. 883), chapter 121 of title 46,
14 United States Code, and section 1 of the Act of May 28,
15 1906 (46 U.S.C. App. 292), the Secretary of Transpor-
16 tation shall issue a certificate of documentation with ap-
17 propriate endorsement for employment in the coastwise
18 trade for the vessel EAGLE (hull number BK—1754,
19 United States official number 1091389) if the vessel is—

20 (1) owned by a State, a political subdivision of
21 a State, or a public authority chartered by a State;

22 (2) if chartered, chartered to a State, a political
23 subdivision of a State, or a public authority char-
24 tered by a State;

25 (3) operated only in conjunction with—

1 (A) scour jet operations; or

2 (B) dredging services adjacent to facilities
3 owned by the State, political subdivision, or
4 public authority; and

5 (4) externally identified clearly as a vessel of
6 that State, subdivision or authority.

7 **SEC. 12. WAIVER FOR VESSELS IN NEW WORLD CHALLENGE**
8 **RACE.**

9 Notwithstanding section 8 of the Act of June 19,
10 1886 (46 App. U.S.C. 289), beginning on April 1, 2002,
11 the 10 sailboats participating in the New World Challenge
12 Race may transport guests, who have not contributed con-
13 sideration for their passage, from and around the ports
14 of San Francisco and San Diego, California, before and
15 during stops of that race. This section shall have no force
16 or effect beginning on the earlier of—

17 (1) 60 days after the last competing sailboat
18 reaches the end of that race in San Francisco, Cali-
19 fornia; or

20 (2) December 31, 2003.

21 **SEC. 13. VESSEL ASPHALT COMMANDER.**

22 Notwithstanding any other law or agreement with the
23 United States Government, the vessel ASPHALT COM-
24 MANDER (United States official number 663105) may
25 be transferred to or placed under a foreign registry or sold

- 1 to a person that is not a citizen of the United States and
- 2 transferred to or placed under a foreign registry.

Passed the House of Representatives March 21,
2001.

Attest:

JEFF TRANDAHL,

Clerk.